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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FRANCIS GAON,

Petitioner,

v.

SHERIFF JOSEPH LOMBARDO,

Respondent,

and

THE STATE OF NEVADA,

Real Party in Interest.

Case No. 2:17-cv-02209-MMD-VCF

ORDER

This case is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, by Francis Gaon, who is apparently awaiting trial on a criminal charge in Clark County, Nevada. Gaon is represented by counsel. Gaon’s petition names as respondents: “Sheriff Joseph Lombardo, Respondent,” and “State of Nevada, Real Party in Interest.” (See Petition for Writ of Habeas Corpus (ECF No. 1) at 1.)

In an order entered on August 22, 2017 (ECF No. 2), the Court directed the Clerk of the Court to add Adam Paul Laxalt, Attorney General of the State of Nevada, as counsel for respondents, and directed the Clerk to electronically serve the respondents. The Court ordered the respondents to appear within twenty (20) days (by September 11, 2017). The Court further ordered the respondents to file an answer or other response to the petition within forty-five (45) days (by October 6, 2017).

1 On October 5, 2017, Deputy Nevada Attorney General Matthew S. Johnson filed
2 a Notice of Appearance for Respondents (ECF No. 3), stating that he represents “the
3 interests of the named respondent, the Attorney General of the State of Nevada, and the
4 interests of the State of Nevada.” Later on October 5, 2017, Johnson filed a “Notice of
5 Inability to Accept Service and Motion for Enlargement of Time and to Withdraw as
6 Counsel” (ECF No. 5). In that document, Johnson states that the office of the Attorney
7 General cannot accept service for the respondent Clark County sheriff, and that the Clark
8 County district attorney would be the appropriate counsel for the respondent sheriff.
9 Johnson asks that the office of the attorney general be granted leave to withdraw from its
10 representation of the respondents. Johnson also asks that the time for respondents to
11 respond to the petition be extended. On the same date, October 5, 2017, Steven S.
12 Owens, Chief Deputy Clark County District Attorney, filed a Notice of Appearance (ECF
13 No. 4), stating that he represents the State of Nevada.

14 The Court will grant the motion of the Deputy Nevada Attorney General to
15 withdraw, and will direct the Chief Deputy Clark County District Attorney to file an
16 amended notice of appearance, clarifying whether he represents all respondents in this
17 action. The Court will also grant the motion for extension of time, and will suspend the
18 requirement that the respondents respond to the habeas petition pending clarification of
19 the representation of the respondents.

20 It is therefore ordered that the Nevada Attorney General’s Motion to Withdraw as
21 Counsel (ECF No. 5) is granted.

22 It is further ordered that the Motion for Enlargement of Time (ECF No. 5) is granted.
23 The requirement that the respondents respond to the habeas petition in this case is
24 suspended pending clarification of the representation of the respondents. A new deadline
25 will be set for respondents’ response at an appropriate time.


26 It is further ordered that, within ten (10) days from the entry of this order, Chief
27 Deputy Clark County District Attorney Steven S. Owens must file an Amended Notice of

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1 Appearance, clarifying whether he represents all respondents in this action, that is,
2 whether he represents the Sheriff of Clark County as well as the State of Nevada.

3 It is further ordered that the Clerk of the Court serve this order on Deputy Nevada
4 Attorney General Matthew S. Johnson and Chief Deputy Clark County District Attorney
5 Steven S. Owens, as well as on petitioner's counsel.

6 DATED THIS 16th day of October 2017.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE